

January 17, 1997

Dr. Sigfried S. Hecker
[]
Los Alamos National Laboratory
Post Office Box 1663
Los Alamos, NM 87545

Re: Noncompliance Report NTS-ALO-LA-LANL-LANL-1996-0003

Dear Dr. Hecker:

On December 4, 1996, the referenced potential noncompliance was reported to DOE by Los Alamos National Laboratory (LANL). The report describes an assessment conducted by LANL after a determination was made that at least nine employees at Building TA-55 had not received radiological worker training in accordance with the requirements of 10 CFR 835.

The issue was initially raised by DOE/LAAO and the facility Price-Anderson Amendments Act (PAAA) coordinator conducted a preliminary review. Based on that assessment, the coordinator decided to report the matter as a minor noncompliance limited to the facility in question. The corrective actions associated with this matter included a review of training requirements, completion of training for all workers whose training was determined to be deficient, and establishing a formal system for that facility to assure that in the future personnel would receive training requalification in a timely manner. These actions were completed by November 15, 1996.

Subsequently, your LANL Price-Anderson Coordinator organized an expanded investigation into the site wide implications of this issue, including an initial assessment of radiological training qualifications for LANL employees, as well as certain contractors. This self-assessment concluded that approximately 23 percent of employees requiring Radiation Worker I training and 9 percent of individuals requiring Radiation Worker II training were not in compliance with the applicable training requirements.

Based on our evaluation, we have concluded that a noncompliance with 10 CFR 835, Radiation Safety Training likely occurred. This issue raises a concern because a significant percentage of workers without current training is indicative of a programmatic weakness in the training and qualification areas of your site radiation protection program. Absent mitigating factors, DOE would normally issue an enforcement action for a violation of this nature.

However, DOE recognizes that once the initial issue was identified, LANL aggressively expanded the scope of its investigation until the full extent of the problem was identified. In sum, LANL found the larger programmatic training problem by taking its review beyond the initial deficiency. Further, when the nature and extent of the problem were uncovered, LANL promptly reported the matter to DOE and involved DOE site personnel in its pursuit of a sound solution.

DOE has evaluated the extent of the corrective actions and schedules set forth in your Noncompliance Tracking System (NTS) report and has concluded that the corrective actions, if fully implemented in accordance with the schedule provided, constitute a reasonable approach to correct the noncompliance and associated programmatic weakness. My office has coordinated the review of field implementation of the corrective actions to date with the DOE Los Alamos Area Office and has concluded that the corrective actions are proceeding in a timely manner.

These corrective actions meet the discretionary criteria described in DOE's nuclear safety enforcement policy (10 CFR 820, Appendix A). Therefore, the exercise of discretion not to undertake enforcement action at this time is warranted. However, the final decision whether to refrain from taking an enforcement action is contingent upon the adequacy and timeliness of implementation of the corrective actions. A member of my staff will continue to coordinate the review of the status of your corrective actions with the DOE Los Alamos Price-Anderson Coordinator.

If you would like to discuss these matters further, please contact Howard Wilchins of my staff at (301) 903-0107.

Sincerely,

R. Keith Christopher
Director
Office of Enforcement and
Investigation